

AN ACT

relating to changes in participation in public utility agencies.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subdivision (1), Section 572.051, Local Government Code, is amended to read as follows:

(1) "Concurrent ordinance" means an ordinance or resolution adopted under this subchapter by two or more public entities ~~[that relates to the creation or re-creation of a public utility agency]~~.

SECTION 2. Section 572.053, Local Government Code, is amended to read as follows:

Sec. 572.053. CHANGES IN PUBLIC ENTITIES PARTICIPATING IN ~~[RE-CREATION OF]~~ PUBLIC UTILITY AGENCY. The public entities that participate in ~~[create]~~ a public utility agency may by concurrent ordinances add ~~[re-create the agency by adding or deleting, or both,]~~ a public entity to, or delete a public entity from, participation in the public utility agency.

SECTION 3. Section 572.054, Local Government Code, is amended by amending Subsections (a) and (c) and adding Subsection (a-1) to read as follows:

(a) The governing body of each public entity that participates in the creation of a public utility agency shall publish notice of its intention to create the ~~[a public utility]~~ agency in a newspaper of general circulation in the county in which

the entity is located ~~[domiciled]~~.

(a-1) The governing body of a public entity that proposes to be added to an existing public utility agency shall publish notice of its intention to be added to the agency in a newspaper of general circulation in the county in which the entity is located.

(c) The notice must state:

(1) the date, time, and location at which the governing body proposes to adopt the concurrent ordinance; and

(2) that a public utility agency will be created or a public entity will be added to an agency on the date on which the concurrent ordinances take effect, as applicable.

SECTION 4. Section 572.055, Local Government Code, is amended to read as follows:

Sec. 572.055. CONTENTS OF CONCURRENT ORDINANCE. A concurrent ordinance creating a public utility agency under Section 572.052 or changing the public entities participating in ~~[re-creating]~~ an agency under Section 572.053 must, as adopted by each public entity:

(1) contain identical provisions;

(2) define the boundaries of the agency to include the territory within the boundaries of each participating public entity as the boundaries are changed periodically;

(3) designate the name of the agency; and

(4) designate the number, place, initial term, and manner of appointment of directors in accordance with Section 572.057.

SECTION 5. Subsection (a), Section 572.056, Local

1 Government Code, is amended to read as follows:

2 (a) If, before the date set for the adoption of a concurrent  
3 ordinance that creates a public utility agency or adds a public  
4 entity to an agency, 10 percent of the registered voters of a public  
5 entity required to publish notice of the creation or addition  
6 present a petition to the governing body of the entity requesting  
7 that a referendum be called, the ordinance may not take effect  
8 unless a majority of the qualified voters of the entity voting in  
9 the election have approved the ordinance.

10 SECTION 6. Sections 572.053, 572.054, 572.055, and 572.056,  
11 Local Government Code, as amended by this Act, apply only to a  
12 public entity that participates in a public utility agency created  
13 or changed on or after the effective date of this Act.

14 SECTION 7. This Act takes effect immediately if it receives  
15 a vote of two-thirds of all the members elected to each house, as  
16 provided by Section 39, Article III, Texas Constitution. If this  
17 Act does not receive the vote necessary for immediate effect, this  
18 Act takes effect September 1, 2011.

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S.B. No. 1596

David Newkumst

President of the Senate

Joe Straus

Speaker of the House

I hereby certify that S.B. No. 1596 passed the Senate on April 28, 2011, by the following vote: Yeas 31, Nays 0.

Latey Spaw

Secretary of the Senate

I hereby certify that S.B. No. 1596 passed the House on May 23, 2011, by the following vote: Yeas 144, Nays 0, two present not voting.

Robert Haney

Chief Clerk of the House

Approved:

17 JUN '11

Date

Rick Perry

Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
4pm O'CLOCK

JUN 17 2011

Debra McArthur

Secretary of State